

IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

DOUGLAS J. HORN and CINDY HARP-HORN, Civil Action No.:  
15-cv-701 FPG/MJR

Plaintiffs,

-against-

AFFIDAVIT OF ELLEN VOIE

MEDICAL MARIJUANA, INC., DIXIE ELIXERS AND  
EDIBLES, RED DICE HOLDINGS, LLC and  
DIXIE BOTANICALS

Defendants.

STATE OF WISCONSIN  
COUNTY OF PORTAGE

BEFORE ME, the undersigned authority, personally appeared Ellen Voie who, after first being duly sworn, deposes and says:

1. My name is Ellen Voie.
2. Annexed hereto as Exhibit \_\_\_\_\_ is a copy of Plaintiff's Expert Rebuttal Disclosure discarding me as an expert in this case, along with its Exhibit: the results of the study on "Crime Prevention for Truckers."
3. Since March, 2007, I am the founder, President and Chief Executive Officer of the Women in Trucking Association ("WIT"). I am an internationally recognized speaker and authority on gender diversity and inclusion of women working in the trucking industry.
4. The Women In Trucking Association was formed to promote the employment and accomplishments of women in the trucking industry and to remove obstacles that might keep them from succeeding.
5. Specifically, consistent with our mission, the people of WIT to:

- a. Educate and raise awareness for women's issues;
- b. Promote career opportunities for women in the industry;
- c. Improve conditions for women already working in the industry;
- d. Increase the number of women in leadership positions in the industry;
- e. Increase the number of women drivers;
- f. Serve as a resource about women working in the industry;

6. I understand that one of the defendants' defenses in this case is that plaintiff Cindy-Harp Horn, the wife of plaintiff Douglas Horn, voluntarily resigned her employment once her husband and co-team driver of fourteen (14) years was fired, that she could have sought other employment in trucking, and thereby had no damages. I also understand that plaintiff Cindy Harp-Horn states that she had to resign due to her husband's firing, and could not continue in trucking going forward.

7. In my opinion, based upon my vast experience and knowledge on this issue spanning over 12 years advocating for women in trucking, Ms. Harp-Horn's resignation after 14 years as a co-team driver, and her inability to continue in trucking was entirely reasonable and expected under the circumstances of her husband's firing and ban from the trucking industry in October 2012.

8. From our research at WIT, in the Fall of 2017, women made up less than 8% of all truck drivers. An even smaller subset of that figure is comprised of "co-team" drivers, such as plaintiffs here, where two people share responsibilities over the road. Plaintiffs were a husband and wife team and were paid based upon their combined yet inseparable work on their numerous trips. In October, 2012, women occupied far less than 8% as drivers. Of that small percentage of women in trucking, even less women drive as solos. The lion's share of women truckers are only able to work in a team configuration, and not as solos. Because of the daily rigors and requirements of the job, women are an overwhelming minority in solo truck driving. There are clear reasons for the absence of women in trucking and especially six years ago when Douglas Horn was fired.

9. While there are many attractions for men in the trucking industry, there are a number of intimidation factors for women. Namely, the operation of equipment, safety on the road while driving and stopped, getting a license, work schedule and hours, and the periodic interaction with other drivers who are mainly male. To suggest that a woman can simply pick up a solo job in trucking goes against the grain of the twelve (12) years of research and monitoring of women in trucking by WIT.

10. Most disturbingly, in a recent survey, women truckers were asked how safe they feel. The result was a score of 4.4 out of 10. Again, this number was even less in October, 2012.

11. On the technology side, we are working on developing an App for drivers to rate locations in regard to safety (truck stops, rest areas, shippers, etc.). But this is only now after years. In October, 2012, there was much less monitoring for safety for women drivers and women in the profession generally.

12. The defendants argument that Cindy Harp-Horn could have continued working as a solo, or in another capacity without her co-team driver is wishful thinking and not consistent with our years of research and monitoring of women in the trucking industry. The fact is that, by and large, women do not feel safe working as solo truckers, and do not feel that they can easily handle the daily rigors of the job. Not surprisingly, such was the case with plaintiff Cindy Harp-Horn here.

13. If called to testify, I will do so consistent with the above.



Ellen Voie

Dated: November 6<sup>th</sup>, 2018

Subscribed and Sworn to before me this  
6<sup>th</sup> day of November, 2018.



Notary Public

